

Message Text

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ORIGIN ERDA-07

INFO OCT-01 EA-07 IO-10 ISO-00 ACDA-05 CIAE-00 INR-07 L-03

NSAE-00 NSC-05 EB-07 NRC-05 OES-03 FEAE-00 DODE-00

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FM SECSTATE WASHDC

TO AMEMBASSY TOKYO PRIORITY

USMISSION IAEA VIENNA PRIORITY

C O N F I D E N T I A L STATE 301431

E.O. 11652: GDS

TAGS:TECH, IAEA, JA, US

SUBJECT: TRANSFER OF IAEA-SAFEGUARDED FUEL ELEMENTS FROM JAPAN
TO FRANCE

REF: A) TOKYO 15924, B) TOKYO 14615, C) IAEA VIENNA 8655, 10/9/74

1. ERDA HAS NOT YET RECEIVED MB-10 FORM REQUESTING APPROVAL OF
PROPOSED TRANSFER (REFS A AND B). EUROPEAN COMMUNITY (EC) WAEH-
INGTON OFFICE, WHICH HAS RECEIVED FORM FROM JAPANESE EMBASSY
AND HAS CABLED EC BRUSSELS FOR APPROVAL, ADVISES THAT MATERIAL
CONSISTS OF 60 STANDARD FUEL ELEMENTS AND 21 FUEL FOLLOWERS
CONTAINING TOTAL OF ABOUT 19 KGS URANIUM ENRICHED TO ABOUT 89
PCT, WITH ESTIMATED TOTAL OF ABOUT 138 GRAMS PRODUCED PLUTON-
IUM.

2. REF C ADVISED THAT AGENCY POLICY WAS THAT , IN MATERIAL
ENRICHED OVER 80 PCT, PRODUCED PU WAS CONSIDERED IRRECOVERABLE
AND, THEREFORE, SUBJECT TO TERMINATION OF SAFEGUARDS, BUT THAT
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SAFEGUARDS WOULD NOT TERMINATE UNTIL AGENCY RECEIVED COMPLETED

JOINT NOTIFICATION (JN) VERIFYING SHIPMENT AND RECEIPT OF MATERIAL.

3. IF ERDA APPROVES PROPOSED TRANSFER, UPON TRANSFER THE MATERIAL WILL BE DEEMED TO BE RETURNED TO U.S., AND FOOTNOTE 3 SHOULD BE USED ON JN INITIATED BY JAPAN. SINCE PRODUCED PU REMAINS SUBJECT TO SAFEGUARDS, THE CONTAINED PU IN THIS MATERIAL SHOULD IN THEORY BE THEN LISTED ON U.S. INVENTORY IN ACCORDANCE WITH PROVISIONS OF SAFEGUARDS TRANSFER AGREEMENT; BUT IN VIEW AGENCY POLICY CITED ABOVE, IT WILL PRESUMABLY NOT BE SO LISTED. CONSEQUENTLY, NEITHER SECTION 14(A) NOR 14(B) OF SAFEGUARDS TRANSFER AGREEMENT (INFCIRC/119) SEEMS ENTIRELY APPROPRIATE. WE SUGGEST, THEREFORE, THAT JN REFER SIMPLY TO SECTION 14, WITHOUT MENTIONING EITHER SUBSECTION.

4. WE ARE AWARE THAT THIS HAS NOT BEEN THE PRACTICE WITH RESPECT TO PREVIOUS TRANSFERS OF THIS SORT, CONCERNING WHICH ATTENTION HAS NOT BEEN FOCUSED ROUTINELY ON SECTION REFERENCES GIVEN ON JN'S. IN FACT, JN JA/US 74-7, REPORTING SIMILAR TRANSFER, REFERENCED SECTION 15(B), AND ERDA RECORDS DO NOT SHOW THAT EITHER U.S. OR AGENCY QUESTIONED THIS. SINCE QUESTION HAS BEEN RAISED NOW, HOWEVER, BELIEVE IT DESIRABLE TO ESTABLISH AGREED PRACTICE FOR ANY FUTURE CASES THAT MAY OCCUR BEFORE IAEA-EURATOM SAFEGUARDS VERIFICATION AGREEMENT ENTERS INTO FORCE.

5. MISSION REQUESTED ADVISE, REPEATING TO TOKYO:
A) WHETHER AGENCY CONCURS IN SUGGESTION PARA. 3 ABOVE, AND IF NOT, WHAT REFERENCE IT CONSIDERS APPLICABLE.
B) WHETHER AGENCY POLICY CITED ABOVE MAY BE DISCUSSED HENCEFORTH IN UNCLASSIFIED COMMUNICATIONS.

6. TOKYO: UPON RECEIVING WORD FROM MISSION, PLEASE ADVISE JAPANESE OF AGENCY RESPONSE CONCERNING APPROPRIATE REFERENCE.
KISSINGER

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TAGS: TECH, JA, US, FR, IAEA, ERDA
To: TOKYO IAEA VIENNA
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